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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,079	03/20/2001	Tsutomu Takahashi	FUJI 18.486	1390

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EXAMINER

VU, PHUONG T

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,079

Applicant(s)

TAKAHASHI ET AL.

Examiner

Phuong T. Vu

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 and 15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8, 12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims 9-11,15 drawn to an invention nonelected with traverse in Paper No. 4. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, the preamble only functionally recites a subassembly. However, later in the claim applicant recites that the connectors of the printed board are connected with the connectors of the subassembly, which conflicts with the functional recitation, making the scope of the claim unclear.

Regarding claim 13, there is lack of antecedent basis for the "slider member" in line 10. Furthermore, line 11 recites only a "member". Applicant should specify that this is the "lid member" for clarity and consistency.

Claim 14 is misdescriptive. The claim recites "the space left empty by said plug-in units mounted in said subrack unit" which is contradictory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (US 5,949,646). Regarding claim 12, the reference discloses a known communication device 8 (see figure 1) comprising a subrack unit 10 inherently comprising a back wiring board having connectors and first and second guide rail parts being attached to a top side and a lower portion of said subrack unit respectively, a plurality of plug-in units 12, 14 being inserted along the first and second guide rail parts into said subrack unit to be plugged into the connectors of the subrack unit, a member defined by the housing forming an air reservoir room 26 formed under the second guide rail parts, and a plurality of motor-fan units 16-20 each having a motor fan, said motor fan units being plugged into said subrack unit under said member for forming the air reservoir room. It is noted that for clarity, in line 4, it should be stated that the projection part is a part of the lid member.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Glover (US 6,242,690 B1). The reference discloses a plug-in unit 10 to be mounted in a subrack unit including at least one connector, the plug-in unit comprising a printed board 12 which must include connector(s) provided on a side thereof because the unit is not a stand alone unit and is meant to be used in cooperation with a subrack, the connector(s) being connected with the connector(s) of the subrack unit so that the plug-in unit is mounted therein, a metal case comprising 14, 16 including top and bottom faces, and parallel first and second side faces perpendicular to the top and bottom faces so as to cover said printed board, and first and second spring members 22, 36 elastically pressing outward the first and second side faces of the metal case, respectively. While the reference does not mention providing any connectors in the plug-in unit, as noted above, at least one must be provided. Furthermore, it would have been obvious that additional connectors may be provided in the plug-in unit to allow for expansion in the functionality of the device. This is expedient in the art.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 5,949,646) as applied to claim 12 above, and further in view of Komai (US 6,291,766 B1). Regarding claim 14, the Lee reference does not teach providing a filler plug-in unit having the same size and resistance to airflow as each of the plug-in units, where the filler plug-in unit fills an open space left in the subrack unit. However, Komai (in discussion of fig. 9) teaches that it is known in the art to provide such filler plug-in

units. The Komai reference is relied upon solely for this teaching. It would have been obvious to those skilled in the art at the time the invention was made that to provide filler plug-in units as shown in Komai to fill in open spaces in the subrack unit for emi shielding purposes.

Allowable Subject Matter

9. Claims 1-7 are allowed.
10. Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong T. Vu whose telephone number is (703) 308-0303. The examiner can normally be reached on Mon. & Tues., 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Phuong T. Vu
Patent Examiner
September 7, 2002